

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-00857

COUNSEL: NONE

AUG 21 1998

HEARING DESIRED: NO

Applicant requests that he be awarded the Legion of Merit. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Thomas S. Markiewicz, Mr. Henry Romo Jr., and Mr. Walter J. Hosey, considered this application on 19 August 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



THOMAS S. MARKIEWICZ
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

MEMORANDUM FOR AFBCMR

10 April 1998

FROM: HQ AFPC/DPPPRA
550 C Street West Ste 12
Randolph AFB TX 78150-4714

SUBJECT: Application for Correction of Military Records (DD Form 149)
[REDACTED]

1. REQUESTED ACTION. Applicant requests award of the Legion of Merit, recommended 6 Sep 43, but never received.
2. BASIS FOR REQUEST. Applicant provided documentation showing initial recommendation and indorsements.
3. FACTS.
 - a. On 14 Sep 43, applicant was recommended for the Legion of Merit; it was forwarded to the Commanding General, U.S. Far East Air Forces on 14 Sep 43, for performance of duty 1 Mar 43-1 Aug 43 for "efficient operation both day and night...his resourcefulness and outstanding leadership." It was further indorsed on 19 Nov 43 and 22 Nov 43.
 - b. Applicant's records do not contain any of the documents he forwarded with his application. However, a copy of the formal recommendation and proposed citation are in his records, annotated "1 Dec 43 - Returned to CG, 5th AF - NFC (No Further Consideration)."
 - c. The Legion of Merit is awarded for exceptionally meritorious conduct in the performance of outstanding service to the United States. Superior performance of normal duties does not along justify award of this decoration.
4. DISCUSSION. Since the recommendation did not contain sufficient justification for award of the Legion of Merit, it was returned 1 Dec 43 without action and marked "No Further Consideration." Apparently, the applicant did not know this documentation was in his files, as there is no indication he ever requested a complete copy of his personnel records. There is no other documentation in his records regarding his service during World War II, except for medical records, and AGO Form 24, Service Record (booklet). Although the applicant performed his duties in the Depot Machine Shop in an outstanding manner, award of the Legion of Merit is not justified.

5. RECOMMENDATION.

We recommend disapproval of the applicant's request to be awarded the Legion of Merit based on a World War II recommendation.

FOR THE COMMANDER

A handwritten signature in black ink, appearing to read "Georgia A. Wise". The signature is written in a cursive style with a long horizontal flourish extending to the right.

GEORGIA A. WISE, DAFC
Recognition Programs Branch
Promotions, Eval & Recognition Div